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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,833	04/13/2001	Ramaprakash H. Sathyanarayan	M-9213 US	4294
34036	7590	12/09/2004	EXAMINER	
SILICON VALLEY PATENT GROUP LLP 2350 MISSION COLLEGE BOULEVARD SUITE 360 SANTA CLARA, CA 95054			WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/834,833

**Applicant(s)**SATHYANARAYAN,  
RAMAPRAKASH H.**Examiner**

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-19, 29-39 and 43-44 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 and 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 11, 19, 29-39 and 43-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's request for continued examination under 37 CFR 1.114, filed on July 04, 2004 entered, was restricted. Applicant elected Group I, claims 1, 4, 11, 19, 29-39 and 43-44 requested for examining, filed on September 16, 2004. And Group II (claims 5-10) and Group III (claims 12-18) are withdrawn.

2. Claims 1 and 35-37 are currently amended. Claim 44 is newly added. Claims 2-3, 20-28 and 40-42 are canceled. The pending claims are 1, 4-19, 29-39 and 43-44.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 19, 29-31, 33-39 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Pruett et al (U.S. Patent NO. 5,778,389, hereinafter, "Pruett").

With respect to claims 1 and 43-44 Pruett discloses, if an item is a directory (110, find source directory, fig 2B, col. 5, lines 13-31), spawning a new process (130,

processing directory, col. 5, lines 13-31, if directory exists, then moves to next processing of processing directory), and if the item is a file, copying the file, see (col. 2, lines 1-9, col. 6, lines 42-49, files are copied into new directory); wherein the new process if spawned executes simultaneously or contemporaneously with a current process (find source directory and processing directory, fig 2A) that performs the spawning, and the new process (copying more files or synchronizing files, col. 3, lines 65-67 to col. 4, lines 1-19) performs the act of spawning or coping with another item in the directory (150, 180, 200, fig. 2B, copying more files or synchronizing files, col. 3, lines 65-67 to col. 4, lines 1-19), and wherein the current process repeats the act of spawning (multiple directories exist on the source files server, fig. 1, col. 2, lines 43-62, the file server repeats finding directory process until find last directory, multiple directories creates more processes) or copying with yet another item (150, 180, 200, fig. 2B, copying every file or synchronizing every file under the specified directory, col. 3, lines 65-67 to col. 4, lines 1-19, fig. 1).

With respect to claim 4, Pruett discloses, comparing a current number of processes started for copying, with a limit, and waiting if the current number is greater than or equal to the limit, see (130, processing directory, col. 5, lines 13-31, if directory exists, then moves to next processing of processing directory).

With respect to claim 19, Pruett discloses, spawning is performed only if the directory is not a current directory and not a parent directory, see (processing directory,

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col. 5, lines 13-31, if directory exists, then moves to next processing of processing directory).

With respect to claim 29, Pruett discloses, spawning a process if an item to be copied is a directory, see (110, find source directory, fig 2B, col. 5, lines 13-31, spawning a new process, 130, processing directory, col. 5, lines 13-31, if directory exists, then moves to next processing of processing directory); and copying the item if the item is a file, see (col. 2, lines 1-9, col. 6, lines 42-49, files are copied into new directory).

With respect to claim 30, Pruett discloses, sending an email message if the means for copying encounters an error, see (col. 2, lines 1-30).

With respect to claim 31, Pruett discloses, increasing a limit on a resource to maximum, see (300-330, fig. 2C, target directory limit increases with deleting of surplus target file).

With respect to claim 33, Pruett discloses, checking if the item is a link to itself, see (130, processing directory, col. 5, lines 13-31, if directory exists, then moves to next processing of processing directory).

With respect to claim 34, Pruett discloses, process is started with an instruction to perform the method for each item in the directory, see (col. 2, lines 1-9, col. 6, lines 42-49).

With respect to claim 35, Pruett discloses, process executes in parallel with any new process spawned by the repeating, see (col. 5, lines 13-31).

With respect to claim 36, Pruett discloses, the number of processes created by spawning corresponds to the number of directories to be copied, see (multiple directories exist on the source files server, fig. 1, col. 2, lines 43-62, the file server repeats finding directory process until find last directory).

With respect to claim 37, Pruett discloses, the item is from a list of items to be copied, and the another item and the yet another item are also from the list, see (150, 180, 200, fig. 2B, copying every file or synchronizing every file under the specified directory, col. 3, lines 65-67 to col. 4, lines 1-19, fig. 1).

With respect to claim 38, Pruett discloses, checking if the file is in a list of items to be excluded from copying, and performing the copying only if the file is not in the list, see (col. 5, lines 13-31).

With respect to claim 39, Pruett discloses, the file is copied to multiple destinations if specified by the user, see (col. 5, lines 32-56).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pruett et al (U.S. Patent NO. 5,778,389, hereinafter, "Pruett") in view of Crouse et al (U.S. Patent No. 5,764,972, hereinafter, "Crouse").


With respect claims 11 and 32, Pruett does not explicitly disclose, transferring data from the file into a temporary buffer; locking the temporary buffer; and invoking a direct memory access (DMA) process for making a copy from the temporary buffer. However, Crouse discloses, "cache blocks of data in a cache buffer and then access those blocks of data using a series of hash tables to search a link list of block entries stored in the cache buffer, the archiving the file system, system of the present invention modifies the extent array pointer used by the file system to reflect whether the block of data is presently stored in a cache buffer. If a block of data is presently stored in a cache buffer, then the archiving file system", see (col. 5, lines 44-64). This teaches that

the cache buffer is used for temporary storage. Crouse discloses, "The first step is to lock the communication buffer which have been assigned to service the remote file request", see (col. 26, lines 23-35). And Crouse discloses, "Once the blocks 104 are all in the cache buffer, the cache buffer are marked as in cache (step 450) and the data is then transferred by DMA from the cache buffer defined the buffer memory 64 to the communication buffer (step 452). Finally, the communication buffers are unlocked (step 454) and the read command is completed (step 456)", see (col. 26, lines 23-56). This reaches that DMA process making a copy from the temporary buffer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Pruett by incorporating transferring data from the file into a temporary buffer, locking the temporary buffer, and invoking a direct memory access (DMA) process for making a copy from the temporary buffer with the system of Crouse. Thus, one having ordinary skill in the art at the time the invention was made would have found it motivated to use such a combination because that would provide Crouse's system the storing data in temporary buffer to provide efficient data transferring method in the data management system.



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